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 Film Corporation*

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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JEFFREY LEMEROND,	:
	:
Plaintiff,	:
	:
– against –	:
	:
TWENTIETH CENTURY FOX FILM CORP.,	:
	:
Defendant.	:
	X-----

**DECLARATION OF BONNIE I. BOGIN IN SUPPORT OF MOTION TO  
 DISMISS OF DEFENDANT TWENTIETH CENTURY FOX FILM CORPORATION**

I, **BONNIE I. BOGIN**, declare as follows:

1. I am an Assistant Secretary of defendant Twentieth Century Fox Film Corporation (“Fox”), and submit this declaration on behalf of Fox. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath. I submit this Declaration in support of Fox’s Motion to Dismiss the Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

2. Fox is a corporation incorporated under the laws of the State of Delaware, with its principal place of business in California.

3. The amended complaint (“Complaint”) filed by plaintiff Jeffrey Lemerond (“Plaintiff”), stems from Plaintiff’s alleged appearance in the film *Borat – Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan* (the “Film”). As shown on the DVD, the Film tells the fictional story of Borat Sagdiyev (“Borat”), a Kazakh TV personality, who is dispatched to the United States to report on the American people.

4. In the Complaint, Plaintiff complains of a brief sequence (the “Sequence”) in the Film in which an individual—allegedly the Plaintiff here—can be seen running down the street in Manhattan, followed by the main character of the Film, Borat.

5. Fox distributed the Film, which was first released in theaters in the United States on or about November 3, 2006, and was released on DVD in the United States on March 6, 2007. A true and correct copy of the Film on DVD is annexed hereto as Exhibit A. A true and correct copy of the Sequence on DVD is annexed hereto as Exhibit B. The Sequence as it appears in the Film is the same as it appears on Exhibit B.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct and that this Declaration was executed in Los Angeles, California on July 19, 2007.



BONNIE I. BOGIN